

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PRUDENCE PELINO,)	
)	
Plaintiff,)	Civil Action No. 23-33
)	
v.)	Judge Cathy Bissoon
)	
HOPEWELL AREA SCHOOL)	
DISTRICT, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff has filed a Second Amended Complaint (Doc. 29), and Defendants have filed a renewed Motion to Dismiss. The Motion (**Doc. 30**) is adjudicated as follows.

Plaintiff's amended pleadings are sufficient to plausibly state claims under the hostile work environment theory, based on sex (male) and disability (Crohn's disease).

Defendant's other arguments regarding the prima facie standards are unpersuasive. The case will proceed as described, and Defendant's Motion is **DENIED**.

Plaintiff does not resist Defendants' arguments for dismissal regarding the federal claims against superintendent Miller. She cannot be liable in her individual capacity, and official capacity claims are redundant of those against the school district. Defendant's Motion is **GRANTED** to this extent.

Defendant is correct that Plaintiff cannot recover lost benefits or wages, and this is the law of the case. Doc. 28 at 3 n.3. Plaintiff confirms that she will not pursue a "wrongful death" recovery. Doc. 34 at 6 n.2. The Court reiterates its sympathy, and appreciates Plaintiff's good

faith acknowledgement regarding this purely legal matter. Defendant's Motion is **GRANTED** regarding the wage-loss aspect, and otherwise is **DENIED AS MOOT**.

Consistent with Federal Rule 15(a)(3), Defendants' answer deadline is **October 10, 2024**.
Once the pleadings close, the Court will set an initial case management conference.

IT IS SO ORDERED.

September 26, 2024

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record